

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUMAH ALI, aka
THOMAS MOORE,

No. CIV-S-04-0314 MCE/DAD P

Plaintiff,

v.

ORDER

RICK RIMMER, ET AL.,

Defendants.

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On October 19, 2005, the Magistrate Judge filed Amended Findings and Recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the Findings and Recommendations were to be filed within twenty days.

1 Plaintiff has not filed Objections to the Findings and
2 Recommendations.

3 The Court has reviewed the file and finds the Findings and
4 Recommendations to be supported by the record and by the
5 Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED
6 that:

7 1. The Amended Findings and Recommendations filed October
8 19, 2005, are adopted in full;

9 2. Plaintiff's Amended Complaint, filed on December 13,
10 2004, is dismissed;

11 3. Claims concerning defendants Rimmer and Grannis are
12 dismissed with prejudice for failure to state a claim;

13 4. Claims concerning the remaining Defendants are dismissed
14 without prejudice in order to allow Plaintiff to pursue those
15 claims in a court where venue is proper if he so desires; and

16 5. This action is dismissed.

17 DATED: December 14, 2005

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21 MORRISON C. ENGLAND, JR.
22 UNITED STATES DISTRICT JUDGE
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